

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

THE ESTATE (SUCCESSION) OF DORIS
IGOIN, LAURENCE APFELBAUM, individually
and in her capacities as executor and beneficiary of
the Estate (Succession) of Doris Igoi, and EMILIE
APFELBAUM,

Defendants.

Adv. Pro. No. 10-04336 (SMB)

**ORDER DENYING MOTION TO DISMISS FOR LACK OF PERSONAL
JURISDICTION AND FORUM NON CONVENIENS**

The Court has considered the above-captioned Defendants' motion to dismiss the Trustee's amended complaint for lack of personal jurisdiction and *forum non conveniens* and its accompanying documents (the "Motion") (ECF Nos. 19 - 23); the Trustee's memorandum of law in opposition to the Motion and its accompanying documents (ECF Nos. 30 - 31); Defendants' submissions in further support of the Motion (ECF Nos. 34 - 36, 87 - 88, 101); the Trustee's

submissions in further opposition to the Motion (ECF Nos. 43, 92 – 93, 100); the Trustee’s statement of material jurisdictional facts and accompanying documents, (ECF Nos. 108 - 109), and Defendants’ response (ECF No. 113); the arguments of counsel at the hearing on August 6, 2014, and the record in the case; and the Court has determined that the legal and factual bases set forth in the Motion do not establish just cause for the relief requested therein.

Accordingly, for the reasons set forth in the Memorandum Decision Regarding Defendants’ Motion to Dismiss for Lack of Personal Jurisdiction and *Forum Non Conveniens* (ECF No. 133) dated February 13, 2015 **IT IS HEREBY ORDERED** that: (i) because the Trustee has made a *prima facie* showing as to personal jurisdiction, this Court will try the issue of personal jurisdiction together with the merits of the Trustee’s amended complaint; and (ii) the Motion is denied as to *forum non conveniens*.

Dated: March ___, 2015
New York, New York

STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE